



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5018-99

20 July 2000

[REDACTED]

[REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were advanced to JO1 (E-6) on 16 February 1994. On 5 July 1994 you reported to the Navy Recruiting District in Michigan. During the period from 1 December 1994 to 15 November 1997 you received three consecutive adverse performance evaluations from two different reporting seniors. All three evaluations state that you were not recommended for advancement and the last two state that you were not recommended for retention in the Navy. There is no evaluation in the record from 16 November 1997 until the date of your discharge.

You were honorably discharged at the expiration of your enlistment on 9 July 1998 and were paid separation pay in the amount of \$15,909.21. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

The narrative reason for your discharge is "Completion of Required Active Service", or expiration of your enlistment. The Separation Program Designator (SPD) code indicates that you were discharged for that reason and denied reenlistment. Since the discharge is considered to be involuntary, you became eligible

for separation pay. Since you were discharged at the expiration of your enlistment, the Board concluded that the reason for your discharge and SPD code should not be changed. A change in the SPD code to show that your discharge was voluntary could result in recoupment of the separation pay.

Concerning the reenlistment code, the Board believed that three consecutive adverse performance evaluations were sufficient to support the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director